

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

MAURICE MORRIS-BEY,)	
Executor)	
MAURICE MORRIS ESTATE, and)	
WESLEY HARRIS-BEY, Trustee)	
M.M.M.B. INTERNATIONAL)	
IRREVOCABLE TRUST,)	
)	
Plaintiffs,)	
)	
v.)	No. 2:11-cv-02999-JTF-dkv
)	
BANK OF AMERICA,)	
)	
Defendant.)	
)	

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION
and GRANTING DEFENDANT'S MOTION TO DISMISS**

Before the Court is Defendant's Motion to Dismiss for failure to prosecute filed on January 18, 2013. (DE #7) The Plaintiff failed to file a response to Defendant's motion to dismiss. On March 25, 2013, this case was referred to the Magistrate for management and determination of all pretrial matters pursuant to 28 U.S.C. §§ 631-39. (D.E. #8) On March 26, 2013, the Magistrate ordered Plaintiff to show cause by April 9, 2013, why the case should not be dismissed for failure to prosecute. Plaintiff failed to file a response to the Order to Show Cause. Accordingly, on April 16, 2013, the Magistrate

issued her report and recommendation that the case be dismissed for failure to prosecute.¹ (DE #16) No objections were filed.

After reviewing the Magistrate Judge's report and recommendation and the entire record, the Court ADOPTS the Magistrate's report and ORDERS this case DISMISSED for failure to prosecute pursuant to Fed. Rule Civ. P. 41(b).

IT IS SO ORDERED this 5th day of August, 2013.

s/John T. Fowlkes, Jr.
JOHN T. FOWLKES, JR.
United States District

¹ Both the Order of Reference and the Order to Show Cause were returned as undeliverable after two mailings to Plaintiff's address of record. The Order to Show Cause was returned as undeliverable to a forwarding address provided by the U.S. Postal Service. Finally, the Magistrate's Report and Recommendation to dismiss the case was also returned to the Clerk's office as undeliverable.